

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 23, 1998

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., Dunn, J.
(Assigned), S. Beaux and C. Hon, Deputy Clerks.

Each of the following:

B102115 People v. Hoag
B105636 People v. Rosales
B109072 People v. Gomez
B109244 People v. Wright
B109481 People v. Garcia, Daniel
B110248 People v. Hoselton
B110666 People v. Jose G.
B110762 People v. Valdivia
B111463 People v. Clayton
B111637 People v. Thomas
B111838 People v. Cade
B112134 People v. Garcia, Manuel
B112321 People v. Shannon
B112642 People v. Duron
B112947 People v. Romero
B113111 People v. Boyd
B113542 People v. Olivo
B113585 People v. Poole
B113944 People v. Wolf
B114256 People v. Reyes
B114460 People v. Adams
B114597 People v. Russell
B114637 People v. Williams
B114802 People v. Davis
B114927 People v. Abraham
B115162 People v. Zacharie
B115195 People v. Khrone
B115889 People v. Rognlie

DIVISION ONE (Continued)

Each of the following (cont'd.):

B115909 People v. Scott R.
B116115 People v. Weeks
B119030 In re Weeks on H.C.
B117645 People v. Welshans
B121096 Ramirez v. SCLA

Argument waived, cause submitted.

B115800 The People
 v.
 Barrios

Merits:

Argued by Rene A. Ramos for appellant and by Lauren E. Dana for respondent. Cause submitted.

B113369 City of Hawthorne
 v.
 Pool Pockets, Inc. et al.

Merits:

Argued by Kunle Aderonmu for appellant and by Christopher Sutton for respondents. Cause submitted.

B114086 The People
 v.
 Newman

Merits:

Argued by Tracy J. Dressner for appellant and by Russell A. Lehman for respondent. Cause submitted.

DIVISION ONE (Continued)

B112128 The People
 v.
 Hale

Merits:

Argued by Jerald W. Newton for appellant and by Deborah J. Chuang for respondent. Cause submitted.

B111350 The People v. Nichols
B117559 In re Nichols on Habeas Corpus

Merits:

Argued by Carlton E. Lacy for appellant and by Sunnie S. Lee for respondent. Cause submitted.

B110619 The People
 v.
 Hughes

Merits:

Argued by Janice L. Wellborn for appellant and by Juliet H. Swoboda for respondent. Cause submitted.

B116467 Ross
 v.
 SVI Properties et al.

Merits:

Argued by Steven G. Cohn for appellant and no appearance for respondents. Cause submitted.

DIVISION ONE (Continued)

B109856 The People
 v.
 Harrison et al.

Merits:

Argued by Kathrine Greenebaum for appellant Esparza , John D. O'Loughlin for appellant Ramos and by April Sylvester for respondent. No appearance on behalf of appellant Harrison. Cause submitted.

Vogel, J. leaves the bench.

B117035 Musco, Jr.
 v.
 The Regents of the University of California et al.

Merits:

Argued by Jerome Zamos for appellant and by Kathryn R. Janssen for respondents. Cause submitted.

Ortega, J. leaves the bench.

B112353 The People
 v.
 McBride

Merits:

Argued by Edward A. Hoffman for appellant and by Jacques Garden for respondent. Cause submitted.

DIVISION ONE (Continued)

B115424 De Kuyper
 v.
 Emerson

Merits:

Argued by Edward E. Wallace for respondent and Deanna L. Ballesteros for appellant waives argument. Cause submitted.

B114877 Murillo
 v.
 Rite Stuff Foods, Inc.

Merits:

Argued by Carla D. Barboza for appellant and by Alan G. Saler for respondent. Cause submitted.

B084850 The People
 v.
 Matthews

Merits:

Argued by Dan Mrotek for appellant and by Douglas L. Wilson for respondent. Cause submitted.

B109578 Racelis et al.
 v.
 Nuestro et al.

Merits:

Argued by Steven Hilst for appellants and by Eric C. Demler for respondents. Cause submitted.

DIVISION ONE (Continued)

B112531 Raif
v.
City of San Gabriel

Merits:
Argued by Leonard Samuels for appellant and by Eugene J. Egan for respondent. Cause submitted.

B098932 Whitehead et al.
v.
Nordskog Industries, Inc.

Merits:
Argued by Steven V. Angarella for appellants and by Joshua M. Wolff for appellant. Cause submitted.

Court adjourned.

DIVISION TWO

B118149 People (Not for Publication)
v.
MacLean

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

June 23, 1998-Continued

DIVISION TWO (Continued)

B116779 People (Not for Publication)
v.
Robert Benavidez

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B098070 Rafael Antonio Sanchez (Not for Publication)
v.
T & A Taco, Toribio Gutierrez, Antonia Gutierrez, and Misho's
Oyster Company

The Court:

It is ordered that the opinion filed herein on June 17, 1998, be modified at page 16, by adding the following sentences to the end of the Disposition paragraph: Appellant to bear its own costs and respondent Misho's Oyster Company's costs on appeal. Respondent T & A Taco to bear its own costs on appeal. There is no change in the judgment.

Boren, P.J., Nott, J. and Zebrowski, J.

DIVISION FOUR

B111679 People (Not for Publication)
v.
De La Torre

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FOUR (Continued)

B114089 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Rita B.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

DIVISION FIVE

B108011 City of Inglewood (Not for Publication)
 v.
 Richard Wu

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B116212 Baarsch (Not for Publication)
 v.
 Paul

The judgment is affirmed. Costs to respondents.

Coffee, J.

We concur: Stone, P.J.
 Yegan, J.

June 23, 1998-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
 Yegan, J.

B112020 Bethancourt (Not for Publication)
v.
Los Angeles Unified School District

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Stone, P.J.
 Gilbert, J.

B116695 People (Not for Publication)
v.
Hemming

We therefore reverse the trial court's order denying appellant's motion to set aside the judgment and vacate that portion of the judgment that relates to restitution. The matter is remanded to the trial court so that further proceedings may be held to determine the appropriate amount of restitution. In all other respects, the judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

June 23, 1998-Continued

DIVISION SIX (Continued)

B118405 People (Not for Publication)
v.
Aguilar

The judgment (order of commitment) is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B114055 People (Not for Publication)
v.
Sliwo

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

DIVISION SEVEN

B113879 People (Not for Publication)
v.
Cota

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

June 23, 1998-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed but defendant's sentence is vacated and the matter is remanded to the trial court for resentencing.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B102796 People (Not for Publication)
v.
McBride

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

June 23, 1998-Continued

DIVISION SEVEN (Continued)

B111499 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

[illegible]

The judgment in case BA127836 is affirmed. The order revoking probation in case BA104285 is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

We concur: Johnson, J.
 Woods, J.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B112796 Lacey (Not for Publication)

v.
City of Pomona

The order denying the petition for writ of mandate is reversed and the cause remanded to the trial court for further proceedings consistent with this opinion. Appellant is awarded his costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B116619 Lucille H. (Not for Publication)

v.
Los Angeles Dept. of Children & Family Services

The order is affirmed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.